

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DANIELLE DORGAN,

Plaintiff,

-against-

SUFFOLK COUNTY COMMUNITY COLLEGE,
SUSAN LIEBERTHAL,

Defendants.

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FEUERSTEIN, District Judge:

ORDER

12-CV-0330 (SJF)(ARL)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ FEB 11 2015 ★

LONG ISLAND OFFICE

Pending before the Court is an application by *pro se* plaintiff Danielle Dorgan (“plaintiff”) for leave to proceed *in forma pauperis* on her appeal of the final judgment entered against her in this action on August 6, 2014, upon an order of this Court, dated August 4, 2014 granting defendants’ motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. For the reasons stated herein, plaintiff’s application is denied.

I. Standard of Review

Pursuant to Rule 24(a) of the Federal Rules of Appellate Procedure, “a party to a district court action who desires to appeal *in forma pauperis* must file a motion in the district court” (Fed. R. App. P. 24(a)(1)) and “must attach an affidavit that: (A) shows in detail prescribed by Form 4 of the Appendix of Form the party’s inability to pay or to give security for fees and costs; (B) claims an entitlement to redress; and (C) states the issues that the party intends to present on appeal.” Fed R. App. P. 24(a)(1)(A)-(C). The Second Circuit has instructed:

Generally an application for leave to appeal *in forma pauperis* will have sufficient substance to warrant consideration only if, in addition to an adequate showing of indigence and of citizenship, it identifies with reasonable particularity the claimed errors which will be the basis for the appeal. If these requirements are satisfied, and

if on consideration the trial judge is conscientiously convinced that there is no substantial question for review and that an appeal will be futile, or if he is convinced that there is no reasonable basis for the claims of alleged error, it is the duty of the trial judge, albeit not a pleasant duty, to certify that the appeal is not taken in good faith.

United States v. Farley, 238 F.2d 575, 576 (2d Cir.1956) (internal citations and quotation marks omitted). In *Coppedge v. United States*, 369 U.S. 438, 444–45, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962), the Supreme Court held “‘good faith’ in th[e] context [of the *in forma pauperis* statute] must be judged by an objective standard[]...[and is] demonstrated when [a party] seeks appellate review of any issue not frivolous.” *Id.* at 445, 82 S. Ct. 917.

II. Discussion

Plaintiff’s application to proceed *in forma pauperis* does not include any of the “claimed errors which will be the basis for the appeal” (*Farley*, 238 F.2d at 576), but simply states that she “appeals to the United States Court of Appeals for the Second Circuit from the Judgment dated 8/6/14.” Docket Entry No. 41 (“Notice of Appeal”).¹ Since plaintiff has not identified the issue she intends to present on the appeal, her request leave to proceed *in forma pauperis* on appeal is denied. *See Frias v. United States*, No 09-cv-2537, 2011 WL 832903, at *2 (S.D.N.Y. Mar. 4, 2011) (strictly applying Rule 24(a)(1) and denying request for leave to proceed on appeal *in forma pauperis* because petitioner “has not stated the issues he intends to raise on appeal”); *In re Nassau Cnty. Strip Search Cases*, No. 99-cv-2844, 2010 WL 4021813, at *1 (E.D.N.Y. Sept. 29, 2010) (“Given that [applicant] has failed to present any ground for appeal, there is no basis for the Court to grant *in forma pauperis* status for appeal purposes”); *United States v. Scott*, No. 09-

¹ Plaintiff’s Notice of Appeal originally stated that she appealed “from the entire Order granting Defendants’ motion motion [sic] for summary Judgment. The Order was entered on August 2, 2014” [Docket Entry No. 41 (the “Notice of Appeal”)], however it appears that plaintiff crossed out such language so that the Notice of Appeal states only that plaintiff appeals “Judgment dated 8/6/14.” Notice of Appeal.

cr-331, 2011 WL 3586434, at *2 (S.D.N.Y. Aug. 10, 2011) (“Because [petitioner] has failed to state the issues that he wishes to raise on appeal, I must deny the motion” to proceed on appeal *in forma pauperis*).

III. Conclusion

For the reasons set forth herein, plaintiff’s motion for leave to proceed on appeal *in forma pauperis* is denied. Pursuant to Rule 24(a)(4) of the Federal Rules of Appellate Procedure, the Clerk of the Court shall serve notice of entry of this order upon all parties and “immediately notify” the United States Court of Appeals for the Second Circuit of this decision.

Pursuant to Rule 24(a)(5) of the Federal Rules of Appellate Procedure, plaintiff may file a motion for leave to proceed on appeal *in forma pauperis* in the United States Court of Appeals for the Second Circuit **within thirty (30) days after the Clerk of this Court serves notice of entry of this order upon her.**

SO ORDERED.

s/ Sandra J. Feuerstein


Sandra J. Feuerstein
United States District Judge

Dated: February 11, 2015
Central Islip, New York